

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

GERALD H. MILLER,

Petitioner,

v. 4:11-cv-65

WARDEN STANLEY WILLIAMS, and
STATE BOARD OF PARDONS and
PAROLES, et al.,

Respondents.

ORDER

Before the Court are Petitioner Gerald H. Miller's "Second Amended Motion in Opposition to the State's Censorship of Mail" and "Motion for Leave to Proceed In Forma Pauperis." ECF Nos. 75; 76.

Miller is a serial filer in this Court. *See Miller v. Jarriel*, No. 6:08-cv-104, Doc. 6 (S.D. Ga. 2008) (dismissing Miller's 28 U.S.C. § 2254 motion as untimely and successive); *Miller v. Trawick*, No. 4:03-cv-206, Doc. 12 (S.D. Ga. 2003) (dismissing Miller's 42 U.S.C. § 1983 complaint); *Miller v. Terry*, No. 4:03-cv-160, Doc. 15 (S.D. Ga. 2003) (dismissing Miller's § 2254 petition as time-barred).

On March 7, 2011, Miller filed a complaint, which this Court construed as a § 2254 petition. ECF Nos. 1; 5; 9. The Magistrate Judge issued a Report and Recommendation ("R&R"), recommending


the dismissal of Miller's § 2254 petition as impermissibly successive. ECF No. 5 at 5. This Court adopted the R&R over Miller's objections and dismissed his case. ECF Nos. 8; 9.

Miller then proceeded to file a series of unsuccessful post-judgment motions and appeals, including multiple documents complaining that someone is restricting or blocking his outgoing and incoming mail ECF Nos. 11-13; 15; 17; 21; 24-28; 32; 43; 50; 54; 58; 60; 63; 70. This Court and the Eleventh Circuit Court of Appeals have denied and/or dismissed each of Miller's motions and appeals complaining of censorship of his mail. ECF Nos. 52; 57; 61; 62; 65; 68; 69; 72; 73; 74. Miller again claims violations of his constitutional rights and moves to restrain the Court or the State of Georgia from restricting or blocking his outgoing and incoming mail. ECF No. 75. For the reasons stated in the numerous previous orders dealing with these claims, Miller's newest "Motion in Opposition to the States Censorship of Mail" is ***DENIED***. *See* ECF No. 52.

Miller also seeks leave to proceed IFP. ECF No. 76. This Court already granted him leave to proceed IFP in this action. ECF Nos. 5 at 1; 9. Therefore, his motion is ***DENIED*** as ***MOOT***. If Miller chooses to initiate a new § 1983 action alleging First Amendment violations, he will need to move anew for leave to proceed IFP in that action.

Miller's "Motion in Opposition to the State's Censorship of Petition[er]'s Mail" is ***DENIED***. ECF No. 75. Miller's "Motion for Leave to Proceed In Forma Pauperis" is ***DENIED*** as ***MOOT***. ECF No. 76.

This 16 day of June 2013.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA